

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: BOSTON SCIENTIFIC CORP.,
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL NO. 2326

THIS DOCUMENT RELATES TO
Diane Layfield, et al. v. Ethicon, Inc., et al.
Civil Action No. 2:12-cv-04918

ORDER

(Transferring Case to MDL 2327)

Pending before the court is plaintiffs' Motion to Transfer MDLs. [ECF No. 30]. In the Motion, plaintiffs state that they filed an Amended Short Form Complaint that no longer included Boston Scientific Corp., but included, among others, Ethicon, Inc. Therefore, plaintiffs request that this individual case be transferred from MDL 2326 to MDL 2327. However, no such Amended Short Form Complaint has been filed as of the date of this Order. After careful consideration, it is **ORDERED** that

- (1) this action is **TRANSFERRED** to MDL 2327;
- (2) pursuant to Boston Scientific MDL PTO # 275 (Docket Control Order – Boston Scientific Corp. Wave 4 Cases), which states the following,

Transfer of any Wave 4 case to any other MDL, whether by ruling upon a motion from plaintiff or defendants or *sua sponte* by the court, does not relieve the plaintiff or any remaining defendant(s) from the deadlines of a Docket Control Order. Any cases transferred into C. R. Bard, Inc. ("Bard"), American Medical Systems, Inc. ("AMS"), or Ethicon, Inc. ("Ethicon") MDLs will immediately be subject to the Docket Control Order entered in that MDL on January 30, 2018, and any Amended Docket Control Orders.

this action is now subject to PTO # 280 entered in MDL 2327; and

- (3) to the extent an Amended Short Form complaint has not been filed, plaintiffs' counsel is **DIRECTED** to file the appropriate Amended Short Form Complaint within fourteen (14) days from the date of this Order.

The court **DIRECTS** the Clerk as follows:

- (1) disassociate the civil action as a member case in MDL 2326 and re-associate it with MDL 2327;
- (2) file MDL 2327, PTO # 280 in the individual case;
- (3) change the 2326 Wave 4 flag to MDL 2327 Wave 8 flag; and
- (4) file a copy of this Order in 2:12-md-2326 and in the individual case.

ENTER: March 23, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE